

Action/#9
J 5.02.02



PATENT
Attorney Docket No.: 02481.1693

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
HABERMANN et al.)
)
Serial No.: 09/664,326) Group Art Unit: 1653
)
Filed: September 18, 2000) Examiner: H. Schnizer
)
For: SIGNAL SEQUENCES FOR)
PREPARING LEU-HIRUDIN BY)
SECRETION BY E. COLI INTO THE)
CULTURE MEDIUM)
Assistant Commission for Patents
Washington, DC 20231

RECEIVED
APR 29 2002
TECH CENTER 1600/2900

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

In response to the Office Action dated March 27, 2002; Applicants respectfully request reconsideration of the subject application in light of the following remarks.

Claims 1-14 are pending in this application. In the Office Action, the Office required restriction under 35 U.S.C. §121 to one of the following groups of claims:

Group I: claims 1-5;

Group II: claims 6-9; and

Group III: claims 10-14.

The restriction requirement is respectfully traversed. However, to be fully responsive to the restriction requirement, Applicants elect, with traverse, the subject matter of Group II, claims 6-9.

Applicants do not contest the Office's findings that the various sets of claims are patentably distinct from each other. Rather, the Applicants refer the Office to M.P.E.P. §803, which sets forth the criteria and guidelines for Offices to follow in making proper requirements for restriction. The M.P.E.P. instructs the Office as follows:

If the search and examination of an entire application can be made without **serious burden**, the Office **must** examine it on the merits, even though it includes claims to distinct or independent inventions.

M.P.E.P. § 803 (emphasis added).

The Office has only argued that the inventions are distinct and has not shown that examining Groups I - III would constitute a serious burden. Accordingly, withdrawal of the restriction requirement is proper and respectfully requested.

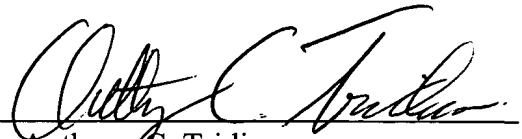
Please grant any extensions of time required to enter these Preliminary Remarks and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: April 24, 2002

By:


Anthony C. Tridico
Reg. No. 45,958